

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Martin S. Gottesfeld, pro se, Plaintiff - against - Hugh J. Hurwitz, et al.
--

DC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 5-7-19  
Civil No.: 18-cv-10836-PGG

SECOND SUPPLEMENTAL MOTION FOR TEMPORARY INJUNCTIONS

Plaintiff Martin S. Gottesfeld (herein "plaintiff"), acting pro se, hereby supplements his previous motions for temporary injunctions (D.E. 12 and 30), as well as his previous SUPPLEMENTAL MOTION FOR TEMPORARY INJUNCTIONS mailed (and therefore filed in accordance with Houston v. Lack, 487 U.S. 266 (1988)) on Tuesday, April 16th, 2019 (if not earlier through his previous, unsuccessful, attempt to do so on the night of Sunday, March 31st, 2019).

In support of his motions, the plaintiff wishes to direct, respectfully, The Honorable Court's attention to Exhibit 1 provided herewith (Affidavit of Martin S. Gottesfeld) as well as to D.E. 40 at 7 ¶ 5.

The plaintiff further wishes to highlight D.E. 41 at 1, showing that he handed that filing to prison authorities on Friday, April 5th, 2019, while examining D.E. 41 at 3 reveals that it was not postmarked until the following Thursday--some 6 days later.

Also, the plaintiff notes that he is once again in possession of the evidence described in D.E. 31 at 6 ¶ 7 and in Exhibit 1 ¶ 623 to his previous SUPPLEMENTAL MOTION FOR TEMPORARY INJUNCTIONS. He has provided facsimiles thereof as Exhibit 2 hereto.

For the reasons detailed in the aforementioned materials, the plaintiff prays that The Honorable Court will grant him the relief requested, including an order allowing him to send sealed mail to The Honorable Court without pre-screening and discretionary review by another branch of government.

The plaintiff explicitly requests that any resulting order set forth by The Honorable Court specifically and explicitly require that prison officials expediently mail the plaintiff's filings to The Honorable Court without undue delay, as well as that prison officials promptly deliver to the plaintiff and open in his presence--without reading--mail to him sent by The Honorable Court.

Respectfully mailed (and filed pursuant to Houston v. Lack, Lack, 487 U.S. 266 (1988)) on Monday, April 29th, 2019,



Martin S. Gottesfeld, pro se

Reg. No.: 12982-104

Federal Correctional Institution

P.O. Box 33

Terre Haute, IN 47808

Houston v. Lack, USPS Tracking # 91149023072240723904

RECEIVED  
U.S. MAIL  
S.D. OF N.Y.  
2019 MAY -7 PM12:28  
S2

CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, hereby certify that on Monday, April 29th, 2019, I mailed a copy of the foregoing document to the attorney for the defendants and also caused a copy to be delivered to the government through its pre-screening of all of my mail to and from any and all courts in the land.

Signed,



Martin S. Gottesfeld, pro se

Houston v. Lack USPS Tracking # 91149024964517620788 33

Affidavit of Martin S. Gottesfeld :

I, Martin S. Gottesfeld, do hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief on this

27th day of April, 2019 :

1. My name is Martin S. Gottesfeld and I am inmate in the communications management unit (CMU) at the Federal Correctional Institution (FCI) Terre Haute, Indiana.

2. My federal registration number is: 12982-104.

3. It has come to my attention and I believe in good faith that prison authorities may prevent the timely filing of my court documents through deliberate actions and inactions.

4. Notwithstanding the well-known, unambiguous, and binding U.S. Supreme Court precedents of Ex parte Hull, 312 U.S. 546; 85 L. Ed. 1034; 61 S. Ct. 640 (1941) and Cochran v. Kansas, 316 U.S. 255; 866 L. Ed. 1453; 62 S. Ct. 1068 (1942), prison authorities pre-screen any and all inmate filings to any and all courts in the land before they are mailed from the Terre Haute CMU.

5. The Terre Haute CMU claims to derive this authority from 28 CFR § 540.203, which the Terre Haute CMU claims overrides 28 CFR §§ 540.19 and 540.18-540.20 (inclusive), as well as the precedents cited in paragraph 4 directly above.

6. Among other things, 28 CFR § 540.203 purports to give the Executive branch the authority to limit the volume of pages which CMU inmates may mail to U.S. courts.

7. It has also come to my attention that prison authorities, as a matter of standard policy and modus operandi, undertake a qualitative and discretionary review of inmate court filings prior to allowing those filings to be mailed and I believe that this violates the U.S. Constitution.

8. By claiming adherence to 28 CFR § 540.203, prison authorities at the Terre Haute CMU deprive inmates of the ability to seal their own mail to U.S. courts, as such CMU inmates would otherwise be allowed to do under 28 CFR § 540.19.

9. FCI Terre Haute CMU inmates must therefore rely on prison authorities to seal their mail to U.S. courts after those authorities have read, scanned, and preserved copies of such filings (even those made ex parte and/or under seal) and exercised their discretionary review upon those filings prior to their mailing to U.S. courts.

10. It has come to my attention that filings mailed by inmates in the FCI Terre Haute CMU to U.S. courts often do not arrive at all, or arrive altered and/or untimely, and that in other common instances the envelopes which should have borne such filings arrive empty to the courts.

11. FCI Terre Haute CMU inmates, including myself, are not given any notice whatsoever regarding the policies which

govern the discretionary review conducted of our potential U.S. court filings prior to their eventual mailing and, indeed, there may not exist any such policies at all.

12. It has come to my attention that mail which FCI Terre Haute CMU inmates receive from U.S. courts are similarly pre-screened and subject to Executive discretionary review outside of our presence after such papers are opened, read, scanned, preserved, also outside of our presence, regardless of any markings made by U.S. courts on envelopes requiring and confidentiality.

Signed under penalty of perjury,



Martin S. Gottesfeld





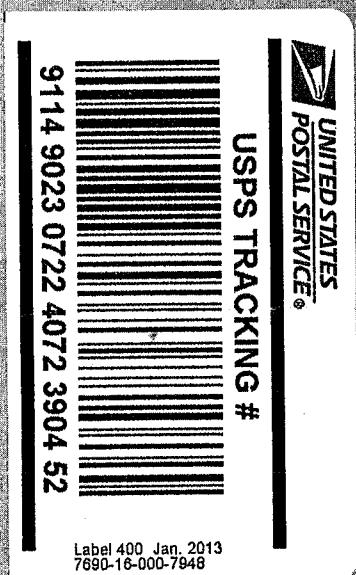
NAME - Martin S. Gottesfeld  
NUMBER: 12982-104  
Federal Correctional Institution  
PO Box 33  
Tete Haute, IN 47808

SONY PROSECUTION  
TETE HAUTE

RECEIVED  
SONY PROSECUTION  
2019 MAY -7 PM 2:28  
S.D. OF N.Y.

U.S.M.P.3  
SDNY

Haston v. Lack, 487 U.S. 266 (1988)



12982-104

U.S. District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States

